

In The Court Of Appeal Of The State Of California      81  
Sixth Appellate District  
San Jose, California

MONDAY, APRIL 30, 2001

H019790 PEOPLE v. VENZON, JR.

The judgment is affirmed. (not published)  
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)  
Filed April 30, 2001

H022308 PEOPLE v. OSVALDO R.

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)  
Filed April 30, 2001

H020392 LAFAYETTE AMERICANA CONDOMINIUM MANAGEMENT v. CITY OF  
SAN JOSE

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,  
Wunderlich, J.)  
Filed April 30, 2001

H020552 PHILLIPS v. CROUSE

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)  
Filed April 30, 2001

H021474 PEOPLE v. WALLACE

The clerk of the court is ordered to correct the abstract of  
judgment to show the one-year, four-month sentence for count 1 is  
stayed and to send a corrected copy of the abstract of judgment  
to the Department of Corrections. In all other respects, the  
judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)  
Filed April 30, 2001

In The Court Of Appeal Of The State Of California 82  
Sixth Appellate District  
San Jose, California

TUESDAY, MAY 1, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Wunderlich, J.; Robert O'Farrell, Pro Tem Justice; and Jane F. Varize, Deputy Clerk.

H020187 PETERS, PETERS & ELLINGSON, et al. v. CHANG

Cause called and argued by Shivadev Shastri appearing for Appellants and by Richard Avila appearing for Respondent. Cause ordered submitted.

Pro Tem Justice O'Farrell leaves the bench and Bamattre-Manoukian, J. takes the bench.

H020825 PEOPLE v. CASTRUITA

Cause called and argued by Barry Morris appearing for Appellant and by Sharon Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020064 PEOPLE v. PALACIO, et al.

Cause called and argued by Richard L. Rubin appearing for Appellant Palacio, by Timothy J. Foley appearing for Appellant Cedillo, and by Eric D. Share, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020332 CARTER, et al. v. DUDLEY, et al.

Cause called and argued by Bryce C. Anderson appearing for Appellants and by Bernard Lahde appearing for Respondents. Cause ordered submitted.

H020843 HEINDEL, et al. v. D&R AUTO, INC., et al.

Cause called and argued by William J. Keegan appearing for Appellants and by John E. DiNapoli appearing for Respondents. Cause ordered submitted.

In The Court Of Appeal Of The State Of California 83  
Sixth Appellate District  
San Jose, California

Tuesday, May 1, 2001 (continued)

H020245 HALL KINION & ASSOCIATES, INC. v. BINNS

Cause called and argued by Peter Lloyd Robinson appearing for Appellant and by Megan Rae Whyman appearing for Respondent. Cause ordered submitted.

H021771 ABRAMSON v. JUNIPER NETWORKS, INC.

No appearances made by counsel. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J.; Wunderlich, J.; and S. Nasson, Deputy Clerk.

H020377 PEOPLE v. PHILLIPS

Cause called and argued by Robert Angres appearing for Appellant and by Ronald Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021002 PEOPLE v. AGUILAR

Cause called and argued by Paul DeMeester appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H019996 PEOPLE v. BETOUSHANA, et al.

Cause called and argued by Marc Eisenhart and John Wadsworth appearing for Appellants and by Thomas Brady, Deputy Attorney General, appearing for Respondent.

H020625 WERSHBA v. APPLE COMPUTER

Cause called and argued by John Kerley appearing for Appellants and by Andrew McGuinness appearing for Appellants and by Penelope Prevolos appearing for Respondents and by Martin Anderson appearing for Respondents. Cause ordered submitted. Court adjourns.

In The Court Of Appeal Of The State Of California 84  
Sixth Appellate District  
San Jose, California

Tuesday, May 1, 2001 (continued)

H019440 PEOPLE v. MARTINEZ

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)  
Filed May 1, 2001

WEDNESDAY, MAY 2, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Mihara, J.; and Jane F. Varize, Deputy Clerk.

H021085 PEOPLE v. THOMPSON

Cause called and argued by Andrea Barr appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020390 PEOPLE v. DAVIS

Cause called and argued by Elaine Fitch appearing for Appellant and by Mark S. Howell, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020612 PEOPLE v. MORENO

Cause called and argued by Matthew Wilson appearing for Appellant and by Christopher W. Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020956 PEOPLE v. HUITRON

Cause called and argued by Scott Kauffman appearing for Appellant and by Laurence K. Sullivan, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020432 PEOPLE v. LAM

Cause called and argued by Ruth Mc Veigh appearing for Appellant and by Laurence K. Sullivan, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

In The Court Of Appeal Of The State Of California 85  
Sixth Appellate District  
San Jose, California

Wednesday, May 2, 2001 (continued)

H021100 MORRIS v. OSTEONICS

Cause called and argued by John A. Shepardson appearing for Appellant and by Hall R. Marston appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P. J.; Elia, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H020861 OLDHAM v. COUNTY OF SANTA CLARA

Cause called and argued by Robert Rudolph appearing for Appellant and by Christine Breen appearing for Respondent. Cause ordered submitted.

H020426 AGHA v. LEE

Cause called and argued by Charles M. Marx appearing for Appellant and by Jane Bednar appearing for Respondent. Cause ordered submitted.

H020220 ESTRADA v. TRUCK INSURANCE EXCHANGE

Cause is called. Counsel for appellant informs the court that he has received a copy of the letter of Mr. Fitzsimmons disclosing the latter's contact with Justice Mihara through their sons' school parents' organization. Counsel for appellant has no objection to Justice Mihara sitting as a panel member in this case. Court determines that the contact between Mr. Fitzsimmons and Justice Mihara is incidental and presents no conflict problems. Cause is argued by Gary W. Dolinski appearing for Appellant and by J. Michael Fitzsimmons appearing for Respondent. Cause ordered submitted.

H020519 NELL v. VISION SERVICE PLAN

Cause called and argued and by Peter H. Kirwan appearing for Appellant by Garth Virgil Smith appearing for Respondent. Cause ordered submitted.

In The Court Of Appeal Of The State Of California 86  
Sixth Appellate District  
San Jose, California

Wednesday, May 2, 2001 (continued)

H020907 SURI v. GREEN VALLEY CORPORATION , et al.

Cause called and argued by Anju Multani appearing for Appellant and by Bernard J. Vogel appearing for Respondents. Cause ordered submitted. Court is adjourned.

H021771 ABRAMSON v. JUNIPER NETWORKS, INC., et al.

The order dismissing this action was made in error and the judgment entered thereon is reversed. The trial court is directed to enter an order staying the action pending completion of the arbitration proceedings. The appeal from the order granting defendants' motion to compel arbitration was treated as a petition for a writ of mandate and was denied by separate order dated April 26, 2001. The parties are to bear their own costs. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)  
Filed May 2, 2001

THURSDAY, MAY 3, 2001

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P. J.; Bamattre-Manoukian, J.; Wunderlich, J.; and Nancy M. Olea, Deputy Clerk.

H020230 PEOPLE v. VERHULST

Cause called and argued by James Graham Noyes appearing for Appellant and by Gregg Zywicke, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020211 PEOPLE v. NIEBAUER

Cause called and argued by Andrew Parner and Gerald Uelman appearing for Appellant and by Gerald Engler, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

In The Court Of Appeal Of The State Of California 87  
Sixth Appellate District  
San Jose, California

Thursday, May 3, 2001 (continued)

H020650 PETROPOULOS v. PETROPOULOS

Cause called and argued by Howard W. Kenneth appearing for Appellant and by John F. Schuck appearing for Respondent. Cause ordered submitted.

H020687 JAMES 3 CORPORATION, et al. v. TRUCK INSURANCE EXCHANGE

Cause called and argued by Michael Richard Simmonds appearing for Appellant and by Michael Fitzsimmons appearing for Respondent. Cause ordered submitted. Court is adjourned.

H021510 LAMAR v. CITY OF MOUNTAIN VIEW

The judgment is affirmed. Respondent shall recover its costs on appeal. (not published)  
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)  
Filed May 3, 2001

H020958 In re VICTORIA R.; DFCS v. LELA S.

The orders appealed from are affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)  
Filed May 3, 2001

H020591 PEOPLE v. DELGADILLO

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed May 3, 2001

FRIDAY, MAY 4, 2001

H021380 PEOPLE v. NGUYEN

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed May 4, 2001

In The Court Of Appeal Of The State Of California      88  
Sixth Appellate District  
San Jose, California

Friday, May 4, 2001 (continued)

H020927 BECK v. THOTUS, et al.

The judgment of nonsuit on the cause of action for slander of title is reversed. Appellant Beck shall be entitled to her costs on appeal. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)  
Filed May 4, 2001

H021011 GRANUM v. SOBRATO

The portion of the trial court's order vacating the arbitration award is affirmed; however the court's order that this case proceed to trial in superior court is reversed. The matter is remanded with directions that the court order the case to arbitration. If the parties are unable to agree on a method of appointing an arbitrator or arbitrators, the court shall appoint an arbitrator pursuant to the provisions of Code of Civil Procedure section 1281.6. The parties are to bear their own costs on appeal. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Wunderlich, J.)  
Filed May 4, 2001